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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR     | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/551,822      | 04/18/2000  | Charles Steven Lingafelt | RAL9-2000-0059US1   | 2668             |

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EXAMINER

HA, LEYNNA A

| ART UNIT | PAPER NUMBER |
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2135

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DATE MAILED: 02/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/551,822

Applicant(s)

LINGAFELT ET AL.

Examiner

LEYNNA T. HA

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |  |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date 2. | 6) <input type="checkbox"/> Other: ____  |

### **DETAILED ACTION**

1. Claims 1-25 have been examined.
2. Claims 1-25 are rejected under 35 U.S.C. 102(e).

#### ***Claim Rejections - 35 USC § 102***

*The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:*

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

*The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).*

3. **Claims 1-25 are rejected under 35 U.S.C. 102(e) as being anticipated by Ch n, t al. (US 5,960,170).**

**As p r claim 1:**

Chen discloses a computer system having a processor (CPU), memory elements, and network interface that is coupled to the bus (col.10, lines 18-37). Chen includes the processor to receive instructions from a memory (col.9, lines 12-24) and data memory (ROM or RAM) for storing data that passes through the card from the memory elements and accessibly to the processors (col.10, lines 37-42). Chen also includes an I/O ports for exchanging data through the option card with an external network wherein the option card cooperates with the computer system in directing the data between the I/O ports and the flow of data through the data memory to and from the memory elements in response to the execution of instructions (col.10, lines 18-52), thus providing pattern recognition services for the flow of data (col.9, lines 49-62 and col.14, lines 58-67). Also, see FIGs.3 and 4A.

**As per claim 2:** See FIG.4A

**As per claim 3:** Chen discloses a client computer, which comprises a CPU, memory, and other components (FIG.3). The computer inherently consists of a motherboard where the components reside on and to perform its functions. Thus, in order for the components to maintain on the board and for the components to be operable is the semiconductor substrate, a magnetic material that is fused to one another in order to conduct some sort of electrical current.

**As p r claim 4:** See FIGs.1 and 7

**As p r claim 5:** See col.13, lines 25-64 discussing analyzing bit strings.

**As p r claim 6:** See col.13, lines 25-36 discussing analyzing bit strings for virus signatures.

**As per claim 7:** See col.13, lines 25-64 discussing the portions of bit strings.

**As per claim 8:** See col.14, lines 33-48 discussing the portions of bit strings to be barred from passage.

**As per claim 9:** See col.24, lines 46-55.

**As per claim 10:**

Chen discloses plurality of computer system having a processor (CPU) and a server memory (col.24, lines 38-40). Chen includes the network processor coupled to each of the computer systems (col.55, lines 35-63) and joining into a server farm (see FIG.7). Chen includes the processor to receive instructions from a memory (col.9, lines 12-24) and data memory (ROM or RAM) for storing data that passes through the card from the memory elements and accessibly to the processors (col.10, lines 37-42). Chen also discusses the I/O ports for exchanging data through the option card with an external network wherein the option card cooperates with the computer system in directing the data between the I/O ports and the flow of data through the data memory to and from the memory elements in response to the execution of instructions (col.10, lines 18-52), thus providing pattern recognition services for the flow of data (col.9, lines 49-62 and col.14, lines 58-67). Also, see FIGs.3 and 4A.

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**As p r claim 11:**

It is well known in the art a computer system comprises a semiconductor substrate in order to conduct some sort of electrical current from one another. Further, it is inherent the processors, memories, and I/O ports are formed on semiconductor substrate because a magnetic material is needed to be fused to one another in order to conduct electricity.

**As per claim 12:** See FIGs.1 and 7

**As per claim 13:** See col.13, lines 25-64 discussing analyzing bit strings.

**As per claim 14:** See col.13, lines 25-36 discussing analyzing bit strings for virus signatures.

**As per claim 15:** See col.13, lines 25-64 discussing the portions of bit strings.

**As per claim 16:** See col.14, lines 33-48 discussing the portions of bit strings to be barred from passage.

**As per claim 17:** See col.24, lines 46-55.

**As per claim 18:**

Chen discloses plurality of computer system having a processor (CPU) a plurality of DASD devices in the form of data storage device such as hard disk (col.10, lines 21-22). Chen includes the processor to receive instructions from a memory (col.9, lines 12-24) and data memory (ROM or RAM) for storing data that passes through the card from the memory elements and accessibly to the processors (col.10, lines 37-42). Chen also discusses the I/O ports for exchanging data through the option card with an external network wherein the

option card cooperates with the computer system in directing the data between the I/O ports and the flow of data through the data memory to and from the memory elements in response to the execution of instructions (col.10, lines 18-52), thus providing pattern recognition services for the flow of data (col.9, lines 49-62 and col.14, lines 58-67). Also, see FIGs.3 and 4A for a diagram of the CPU and the DASD devices.

**As per claim 19:**

Chen discloses a client computer, which comprises a CPU, memory, and other components (FIG.3). The computer inherently consists of a motherboard where the components reside on and to perform its functions. Thus, in order for the components to maintain on the board and for the components to be operable is the semiconductor substrate, a magnetic material that is fused to one another in order to conduct some sort of electrical current.

**As per claim 20:** See FIGs.1 and 7

**As per claim 21:** See col.13, lines 25-64 discussing analyzing bit strings.

**As per claim 22:** See col.13, lines 25-36 discussing analyzing bit strings for virus signatures.

**As per claim 23:** See col.13, lines 25-64 discussing the portions of bit strings.

**As per claim 24:** See col.14, lines 33-48 discussing the portions of bit strings to be barred from passage.

**As p r claim 25:** See col.24, lines 46-55.

**Conclusion**


**\*\*Please refer to Chen, et al.:** Col.5, line 34...Et. SEQ. and Figures 1-8.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LEYNNA T. HA whose telephone number is (703) 305-3853. The examiner can normally be reached on Monday - Thursday (7:00 - 5:00PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached on (703) 305-4393. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Lha

  
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